IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No.447 of 2007

Decided on: ***July 04, 2007.***

State of Himachal Pradesh ***…Applicant.***

VERSUS

Navneet Singh & Ors. ***….Respondents.***

Coram

The Hon'ble Mr.Justice Surjit Singh, Judge.

The Hon'ble Mr.Justice Kuldip Singh, Judge.

Whether approved for reporting?[1] No

For the Applicant: **Mr.Som Dutt Vasudeva, Addl.A.G. with Mr.D.S. Nainta, Dy.A.G.**

For the respondents: **None.**

Surjit Singh, Judge (Oral)

Heard. We have gone through the judgment of the trial Court. The same is well reasoned. The version, which the prosecutrix gave to the police initially, in the form of F.I.R., is in conflict with what she has stated in the Court. In the F.I.R. it is recorded that when the prosecutrix and her cousin Suresh were sitting on the embankment of a culvert of the Railway track, the three respondents overpowered them, gave them beating and thereafter raped her. In the Court, however, she stated that one of the three respondents, namely, Navneet Singh was not there. She further stated that her cousin Suresh first offered her that they stay at the house of one Ved

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Whether the reporters of the local papers may be allowed to see the judgment?

Parkash, a friend of Suresh at Kalka, where after taking meals, when they were preparing to go to sleep, Suresh started indulging in obscene activities and asked her that in case she allowed him to have sex with her she could stay there otherwise he would leave her at Solan. She further stated that thereafter her cousin forcibly took her to Railway track at Parwanoo and there one man with a bottle of liquor met them and on seeing that boy, Suresh Kumar went away saying that he wanted to drink water and soon thereafter two more boys came there and those two boys and the first boy with bottle of liquor then dragged her to bushes and raped her. The version given by her in the Court is thus in total contradiction with the version given in the F.I.R. There is no mention of any beating having been given to the prosecutrix or her cousin Suresh by the alleged rapists. Further, in the statement in the Court, the prosecutrix has accused even her cousin of making sexual advances towards her and then forcibly taking her to the Railway track, but in the F.I.R. the story is different, as noticed hereinabove. In fact, in the F.I.R., she stated that she was raped by four persons, three respondents and one more unknown person but in the statement she states that she was raped by only three persons i.e. the respondents Ajay Kumar, Soni Kumar and one more person other than the respondents. Again though she named Navneet Singh respondent as the man who first met her with a bottle of beer in his hand, during the course of investigation, in the Court she stated that he was not among the three persons who raped her nor was he present there.

2. The aforesaid contradictions suggest that the prosecutrix has suppressed the true facts. Her testimony does not inspire confidence. Hence, no fault can be found with the judgment of acquittal recorded by the trial Court. Consequently, the petition for leave to appeal is dismissed.

(Surjit Singh), J.

July 4, 2007 ***(Kuldip Singh), J.***

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